
SENATE BILL No. 617

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-204.5; IC 16-42-19.5.

Synopsis: Methamphetamine. Permits ephedrine and pseudoephedrine to be dispensed only at a pharmacy by a licensed pharmacist or certified pharmacy technician. Permits the sale of more than three grams of ephedrine or pseudoephedrine to one purchaser only if the purchaser presents photo identification and signs a receipt or record book. Makes unlawful dispensing of ephedrine or pseudoephedrine a Class D felony. Exempts ephedrine or pseudoephedrine that is in liquid form or dispensed upon a prescription from the dispensing restrictions.

Effective: July 1, 2005.

Skinner

January 24, 2005, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 617

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-18-2-204.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 204.5. "Liquid ephedrine or pseudoephedrine" means a drug that:**

- (1) contains ephedrine or pseudoephedrine;**
- (2) is in liquid, liquid capsule, or gel capsule form; and**
- (3) has an active ingredient in addition to ephedrine or pseudoephedrine.**

SECTION 2. IC 16-42-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 19.5. Drugs: Sale of Ephedrine and Pseudoephedrine

Sec. 1. This chapter does not apply to:

- (1) liquid ephedrine or pseudoephedrine; or**
- (2) ephedrine or pseudoephedrine dispensed upon a prescription.**

Sec. 2. A person may not sell a drug containing ephedrine or

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pseudoephedrine unless the drug is dispensed:

(1) at a pharmacy having a valid pharmacy permit; and

(2) by a licensed pharmacist or certified pharmacy technician.

Sec. 3. (a) A person may not sell an amount of drugs containing more than three (3) grams of ephedrine or pseudoephedrine to one (1) purchaser in a twenty-four (24) hour period unless the purchaser:

(1) presents valid photo identification containing the purchaser's date of birth; and

(2) signs a receipt or record book showing the:

(A) date of the transaction;

(B) name of the purchaser; and

(C) amount of the drug purchased.

(b) The receipt or record book described in subsection (a) may be released to a law enforcement officer in accordance with state and federal law.

Sec. 4. A person who knowingly or intentionally violates section 2 or 3 of this chapter commits unlawful sale of ephedrine or pseudoephedrine, a Class D felony.

Sec. 5. The Indiana board of pharmacy may adopt rules under IC 4-22-2 to implement and enforce this chapter.

SECTION 3. [EFFECTIVE JULY 1, 2005] IC 16-42-19.5, as added by this act, applies only to crimes committed after June 30, 2005.

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